

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Miscellaneous Civil Application 36 of 2009

RACHEL ISANDA.....APPLICANT

VERSUS

JANE C. CHERUIYOT.....1ST RESPONDENT
PAUL KIPKEMBOI ARAP BII.....2ND RESPONDENT

RULING

The instant application seeks the transfer of Nakuru CMCC No.1355 of 2005 from the lower court to this court for hearing and final determination. It was argued *ex parte* after the respondents failed to respond to it or present themselves on the date it was canvassed despite service of hearing notice.

The application is founded on the grounds that on the basis of the injuries sustained by the applicant, the general damages likely to be awarded will be beyond the pecuniary jurisdiction of the Chief Magistrate's court.

I have considered the foregoing. Without making any definite finding on the injuries described in this matter, there is high likelihood that general damages, when assessed may be beyond the pecuniary jurisdiction of the subordinate court.

In the exercise of my discretion under section 18 of the Civil Procedure Act, it is ordered that Nakuru CMCC No. 1355 of 2005 be and is hereby transferred to the High Court at Nakuru for hearing and final determination.

I make no orders as to costs.

Dated, Signed and Delivered at Nakuru this 29th day of January, 2010.

W. OUKO
JUDGE